

**82-3-107. Preservation of well samples, cores, and logs; penalty.** (a) Each operator drilling or responsible for drilling service wells or drilling or recompleting holes for the purpose of the exploration or production of oil or gas, excluding seismic "~~shot holes~~" shot holes, shall preserve and retain samples or drill cuttings, cores, and all other information as required under subsection (d).

(b) All formation samples or drill cuttings normally saved in drilling or recompletion operations and any cores taken shall be retained by the operator for 120 days after the spudding of the well.

(c)(1) Upon request of the Kansas geological survey as specified in paragraph (c)(2), the samples shall be washed, and cut into splits or sets. One set shall be placed in labelled sample envelopes and delivered, at the prepaid expense of the operator, to the Kansas geological survey, sample library, Wichita, Kansas. Upon request of the Kansas geological survey, all cores or core longitudinal sections not required by the operator for well evaluation purposes shall be placed in stratigraphic sequence in adequate boxes, labelled with the well name, location, and footage, and delivered, at the prepaid expense of the operator, to the Kansas geological survey, Lawrence, Kansas.

(2) The operator shall be given notice that samples or cores are required by a notice appended to or on a copy of the notice of intention to drill returned to the operator by the conservation division or the Kansas geological survey. Delivery of the processed samples or cores shall be made within 120 days of the spud date or date of commencement of recompletion of the well.

(3) If retention of the core is required by the operator, designated Kansas geological survey staff members shall be provided unrestricted access to the core at the operator's facility during the operator's normal business hours. This access shall be subject to any confidentiality requests made under subsection (e).

(4) Operators in physical possession of cores requested by the Kansas geological survey shall not dispose of the cores without permission of the Kansas geological survey.

(5) The Kansas geological survey may request shallow samples from portions of the hole that ~~may~~ are not normally ~~be~~ saved in drilling operations. The sample library shall accept all washed and cut samples whether or not they were requested.

(d)(1) The following information shall be delivered to the conservation division, within 120 days of the spud date or date of commencement of recompletion of the well:

- (A) A copy of the affidavit of completion;
- (B) core analyses;
- (C) final drill stem data elements;
- (D) recorded drill stem fluid recoveries and charts;
- (E) final electric logs;
- (F) final radioactivity logs;
- (G) similar wireline logs or surveys run by operators on all boreholes, excluding seismic "~~shot~~holes" shot holes;
- (H) final logs run to obtain ~~geo-physical~~ geophysical data; ~~and~~
- (I) geological well reports; and

(J) if available, final electronic log files in a data format and medium approved by the director, including the following:

- (i) A log American standard code for information interchange standard (LAS) file; and
- (ii) an image file.

If electronic log files are available, these files shall be delivered to the conservation division in lieu of the paper logs required by this regulation.

(2) For good cause shown, an extension of 60 days may be granted by the supervisor of the production department or ~~his~~ the supervisor's designated agent for the submission of the required information. The request for extension shall be submitted in writing and received ~~prior~~ to before the expiration of the 120-day period.

(3) The conservation division shall deposit the information with the Kansas geological survey.

(4) Failure to deliver the information to the conservation division shall be punishable by a \$500 penalty and operator license review.

(e)(1) If a written request for confidentiality is made to the conservation division within 120 days of the spud date or the date of commencement of recompletion of the well, ~~any~~ all information, samples, or cores filed as required in subsections (c) or (d) shall be held in confidential custody for an initial period of one year from the written request.

(2) All rights to confidentiality shall be lost if the filings are not timely, as provided in subsections (c) and (d), or if the request for confidentiality is not timely, as provided in paragraph (e)(1).

(3) Samples, cores, or information may be released ~~prior to~~ before the expiration of the one-year period only upon written approval of the operator.

(4) If a request for an extension is made at least 30 days before the expiration of the initial one-year period, the period of confidentiality may be extended for one additional year.

(f) Each wire line service company shall furnish to the conservation division, on a form prescribed by the commission, a list of all logging services performed on each hole serviced in the state of Kansas each month by the twentieth day of the month following the month in which the services were performed. Failure to submit or timely submit the list shall be punishable by a \$250 penalty. (Authorized by ~~and implementing~~ K.S.A. 1993-Supp. 55-152, and 55-164,; implementing K.S.A. 55-604, and K.S.A. 55-704; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1984; amended May 1, 1987; amended May 1, 1988; amended May 8, 1989; amended April 23, 1990; amended June 6, 1994; amended P-  
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**82-3-108. Well location; exception.** (a) General setback requirement. Except as provided by subsection (b) or (c), an oil well or gas well shall not be drilled nearer than 330 feet from any lease or unit boundary line.

(b) Setback requirements for eastern Kansas.

(1) An oil well that is drilled to a total depth of less than 2,000 feet and is drilled in one of the following counties shall not be drilled nearer than 165 feet from the nearest lease or unit boundary line: Allen, Anderson, Atchison, Bourbon, Brown, Cherokee, Coffey, Crawford, Douglas, Elk, Franklin, Greenwood, Jackson, Jefferson, Johnson, Labette, Leavenworth, Linn, Lyon, Miami, Montgomery, Neosho, Osage, Shawnee, Wilson, Woodson, and Wyandotte.

(2) An oil well that is drilled in Chautauqua County and is drilled to a total depth of less than 2,500 feet shall not be drilled nearer than 165 feet from the nearest lease or unit boundary line.

(c) Well location exception. A well location exception may be granted to permit drilling within shorter distances than those provided in subsection (a) or (b), whichever is applicable, and to the acreage attributable and assigned allowables, if these exceptions are necessary either to prevent waste or to protect correlative rights. In granting the exception, the acreage attributable to the well and the assigned allowables shall be considered.

(d) Application for well location exception. If an exception to this regulation is desired according to subsection (c), an application shall be submitted to the conservation division. The application shall contain the following:

(1) A brief explanation of the exception or exceptions requested;

(2) the proposed location of the well, including the distance to the nearest lease or unit boundary line;

(3) a list of the following:

(A) Each offset operator whose lease line is located less than the required distance from the proposed location;

(B) each unleased offset mineral owner whose property boundary is located less than the minimum distance required by subsection (a) or (b) from the proposed locations; and

(C) the applicant's lessor or lessors, if the applicant operates any lease that will be situated less than the minimum distance required by subsection (a) or (b) from the proposed well location;

(4) the acreage attributable to the well; and

(5) the allowable requested.

(e) Additional application requirements. Each application submitted under subsection (d) shall be accompanied by the proposed notice of the intention to drill and a plat, drawn to the scale of one inch equalling 1,320 feet, that accurately shows the following:

(1) The property on which the well is sought to be drilled;

(2) all other completed, partially drilled, or permitted wells on the property; and

(3) all adjacent properties and wells.

(f) Notice; protest. Notice of the application shall be provided ~~as required in K.A.R. 82-3-135a(b)~~ to all parties specified in paragraphs (d)(3)(A), (d)(3)(B), and (d)(3)(C) of this regulation and shall be published as required by K.A.R. 82-3-135a(d). If a protest is filed in accordance with K.A.R. 82-3-135a(e), the application shall be set for hearing by the commission.

(g) Approval of intent to drill. Upon the issuance of a written permit by the conservation division for the well location exception, the proposed notice of intention to drill shall be approved in accordance with K.A.R. 82-3-103, if all other applicable requirements for approval have been met.

(h) Allowable required. Each operator of any well drilled nearer than the minimum distance required by subsection (a) or (b) from any lease or unit boundary line without a previously obtained well location exception shall be prohibited from producing either oil or gas until an appropriate allowable is determined.

(i) Factors considered for allowable. Whenever authority is granted to drill a well at a location other than a location specified by this regulation, the allowable shall be determined by the conservation division for the protection of the correlative rights of all persons entitled to share in the common source of supply in accordance with K.A.R. 82-3-207 and K.A.R. 82-3-312. (Authorized by K.S.A. 55-152; ~~K.S.A. 2003 Supp. 55-604~~, ~~K.S.A. 55-704~~; implementing K.S.A. 55-152, ~~K.S.A. 2003 Supp. 55-603~~, ~~K.S.A. 55-605~~, 55-703a, 55-706; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1984; amended, T-85-51, Dec. 19, 1984; amended May 1, 1985; amended May 1, 1986; amended May 1, 1987; amended May 1, 1988; amended April 23, 1990; amended Jan. 14, 2005; amended P-\_\_\_\_\_.)

**82-3-111. Temporarily abandoned wells; penalty; plugging.** (a) Temporary abandonment approval or plugging required. Within 90 days after operations cease on any well drilled for the purpose of exploration, discovery, service, or production of oil, gas, or other minerals, the operator of that well shall perform either of the following:

- (1) Plug the well; or
- (2) file an application with the conservation division requesting temporary abandonment authority, on a form prescribed by the conservation division.

(b) Approval of temporary abandonment. No well shall be temporarily abandoned as described ~~above~~ in subsection (a) unless first approved by the conservation division. If the operations on any temporarily abandoned well or other inactive well are not resumed within a ~~period of~~ one year after the application has been approved, the well shall be deemed a permanently abandoned well, and the operator of the well shall comply with ~~rules and~~ regulations of the commission relating to the plugging of wells. Upon application to the conservation division before the expiration of the one-year period, and for good cause shown, the period may be extended by the conservation division for one year. Additional one-year extensions may be granted by the conservation division. A well shall not be eligible for temporary abandonment status if the well has been shut in for 10 years or more without an application for an exception pursuant to K.A.R. 82-3-100. The failure to file a notice of temporary abandonment shall be punishable by a \$100 penalty.

(c) Right of denial. After an application for temporary abandonment has been filed, the well shall be subject to inspection by the conservation division to determine whether its



temporary abandonment could cause pollution of fresh and usable water resources. If necessary to prevent the pollution of fresh and usable water, temporary abandonment may be denied by the conservation division, and the well may be required to be plugged or repaired according to the direction of the conservation division and in accordance with its ~~rules and~~ regulations.

(d) Plugging of temporarily abandoned wells. At the expiration of ~~the maximum~~ any approved temporary abandonment period, each well temporarily abandoned shall be plugged, repaired, or returned to operation in accordance with applicable ~~rules and~~ regulations.

(e) Certain wells exempted. The requirements of this regulation shall not apply to any well that meets all of the following criteria:

- (1) The well is fully equipped for production of oil or gas; or for injection.
- (2) The well is capable of immediately resuming production of oil or gas; or of injection.
- (3) The well is subject to a valid, continuing oil and gas lease.
- (4) The cessation period for the well is less than 365 consecutive days.
- (5) The well is otherwise in full compliance with all of the commission's regulations.

(f) Post-exemption requirements. The date on which a well ceases to qualify for the exemption specified in subsection (e) shall be deemed to be the date operations ceased on the well, for purposes of subsection (a). (Authorized by ~~and implementing~~ K.S.A. 55-152, ~~K.S.A. 2000 Supp. 55-164~~, as amended by L. 2001, ch. 5, sec. 191; implementing K.S.A. 55-152 and 55-164; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1984; amended May 1, 1985; amended April 23, 1990; amended Jan. 25, 2002; amended P-  
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**82-3-135a. Notice of application.** (a) Scope. Except as otherwise provided in K.A.R. 82-3-100, 82-3-103a, 82-3-108, 82-3-109, 82-3-138, 82-3-203, 82-3-208, 82-3-209, 82-3-300, and 82-3-300a, the notice requirements in this regulation shall apply to each application for an order or permit filed pursuant to any ~~rule or~~ regulation, special order, or statutory provision for the conservation of crude oil and natural gas or for the protection of fresh and usable water.

(b) Production matters. Except as otherwise provided in K.A.R. 82-3-100, 82-3-103a, 82-3-108, 82-3-109, 82-3-138, 82-3-203, 82-3-208, 82-3-209, 82-3-300, and 82-3-300a, each applicant for an order filed pursuant to K.A.R. 82-3-100 ~~et seq.~~, ~~82-3-200 et seq.~~, and ~~82-3-300 et seq.~~ through K.A.R. 82-3-314 shall give notice of the application on or before the date the application is filed with the conservation division by mailing or delivering a copy of the application to the following:

(1) Each operator or lessee of record within a one-half mile radius of the well or of the subject acreage; and

(2) each owner of record of the minerals in unleased acreage within a one-half mile radius of the well or of the subject acreage.

(c) Environmental matters. Each applicant for an order or permit filed pursuant to K.A.R. 82-3-400 ~~et seq.~~ through 82-3-412 and K.A.R. 82-3-600 et seq. through 82-3-607 shall give notice of the application on or before the date the application is filed with the conservation division by mailing or delivering a copy of the application to the following:

(1) Each operator or lessee of record within a one-half mile radius of the well or of the subject acreage;

(2) each owner of record of the minerals in unleased acreage within a one-half mile radius of the well or of the subject acreage; and

(3) the landowner on whose land the well affected by the application is located.

(d) Publication of notice. Notice of the application shall be published in at least one issue of the official county newspaper of each county in which the lands affected by the application are located. In addition, notice of applications relating to production matters shall also be published in at least one issue of the Wichita Eagle newspaper.

(e) Protest. Once notice of the application is published pursuant to subsection (d), the application shall be held in abeyance for 15 days for production matters and 30 days for environmental matters, pending the filing of any protest pursuant to K.A.R. 82-3-135b. If a valid protest is filed; or if the commission, on its own motion, deems that there should be a hearing on the application, a hearing shall be held. The applicant shall publish notice of the hearing pursuant to K.A.R. 82-3-135. (Authorized by K.S.A. ~~1989 Supp.~~ 55-152, ~~55-604~~, ~~K.S.A. 55-602~~, 55-704, ~~K.S.A. 1989 Supp.~~ 55-901; implementing K.S.A. ~~1989 Supp.~~ 55-605, ~~55-706~~, 55-901, 55-1003; effective April 23, 1990; amended P-\_\_\_\_\_.)

**82-3-135b. Protesters.** ~~Any~~ Each protest against the granting of an application for an order or permit filed pursuant to ~~the provisions of~~ K.A.R. 82-3-135a shall be considered under the following conditions and requirements:

(a) A protest may be filed by any person having a valid interest in the application.

~~Protests~~ Each protest shall be submitted in writing and shall ~~clearly identify~~ provide the name and address of the protester and the title and docket number of the proceeding. The protest shall include a clear and concise statement of the direct and substantial interest of the protester in the proceeding, including specific allegations as to the manner in which the grant of the application will cause waste, violate correlative rights, or pollute the water resources of the state of Kansas.

(b) If the protester opposes only a portion of the proposed application, the protester shall state with specificity the objectionable portion.

(c)(1) The original and seven copies of the protest shall be filed ~~in triplicate~~ with the conservation division according to the following deadlines:

(A) For each protest of production matters, within 15 days after publication of the notice of the application required in K.A.R. 82-3-135a; and

(B) for each protest of environmental matters, within 30 days after publication of the notice of the application as required in K.A.R. 82-3-135a.

(2) Failure to file a timely protest shall preclude the interested person from appearing as a protester.

(d) Each protester shall serve the protest upon the applicant at the same time or before the protester files the protest with the conservation division. The protest shall not be served on the applicant by the conservation division.

(e) To secure consideration of a protest, the protester shall offer evidence or a statement or participate in the hearing. (Authorized by K.S.A. ~~1989 Supp.~~ 55-152, ~~55-604~~, ~~K.S.A. 55-602~~, 55-704, ~~K.S.A. 1989 Supp.~~ and 55-901; implementing K.S.A. ~~1989 Supp.~~ 55-605, ~~55-706~~, 55-901, 55-1003; effective April 23, 1990; amended P-\_\_\_\_\_.)

**82-3-138. New pool application.** (a) Application requirements. Each application for a new pool certificate shall be submitted to the conservation division on the form provided by the conservation division and shall be accompanied by the following:

- (1) The affidavit of completion;
- (2) a copy of the results of a state-supervised production test, showing volumes of oil, gas, and water;
- (3) ~~the names and addresses of each operator or lessee of record and each unleased mineral owner within a 1/2 mile radius of the subject well~~ a certificate of mailing verifying that notice of the application was provided as required in K.A.R. 82-3-135a(b);
- (4) the exhibits and evidence needed to substantiate the applicant's claim of a new pool; and
- (5) any other relevant information required by the conservation division.

(b) New pool certificate. Each newly discovered pool shall be recognized only upon issuance of a certificate by the conservation division, signifying that the application has been approved. ~~When a new pool certificate is requested, the applicant shall not be required to provide notice.~~ (Authorized by ~~K.S.A. 2003 Supp. 55-604~~, K.S.A. ~~55-704~~ 55-152; implementing K.S.A. ~~2003 Supp. 55-603~~; effective May 1, 1985; amended May 1, 1987; amended May 1, 1988; amended April 23, 1990; amended June 6, 1994; amended Jan. 14, 2005; amended P-\_\_\_\_\_.)

**82-3-402. Notice of application; objection.** (a) Notice required. Each applicant shall give notice of the application either to those persons listed in K.A.R. 82-3-135a(c) or according to the provisions of subsection (b) below. Notice shall be mailed or delivered on or before the date the application is filed with the conservation division. Notice of the application shall be published in at least one issue of the official county newspaper of each county in which the lands involved are located.

(b) Area notice. In lieu of the notice requirements of K.A.R. 82-3-135a(c), an applicant may provide area notice utilizing the following procedure:

(1) The application shall state that area notice in accordance with this regulation is being utilized and shall state the approximate maximum number of injection wells that will ultimately be utilized within the project boundaries.

(2) The applicant shall notify each of the following parties whose acreage lies partially or fully within a ½-mile radius of the project boundaries, by mailing or delivering a copy of the application and notice:

(A) Each operator or lessee of record;

(B) each owner of record of the mineral rights of unleased acreage; and

(C) each landowner within the project boundaries.

(3) Notice of the application shall be published in at least one issue of the official county newspaper of each county in which the affected acreage is located, which shall be defined as a ½-mile radius around the project boundary, and shall contain the following:

(A) The name of the operator of the enhanced recovery project;

- (B) the legal description of the project acreage;
- (C) the proposed maximum injection rate and pressure;
- (D) the proposed injection formation or formations and approximate depth;
- (E) a statement indicating that no wells will be used for injection that are closer to lease or unit boundary lines than allowed by field or general state spacing rules unless further notice is given; and
- (F) the approximate maximum number of injection wells that will ultimately be utilized in the project.

(4) The applicant shall file a memorandum of notification with the register of deeds in each county where the project is located, setting out the information contained in the published notice. The applicant shall provide proof of this filing to the conservation division before the application may be approved and a permit issued.

(5) Notice of application for additional injection wells added to a project shall be published in at least one issue of the official county newspaper of the county or counties in which the well is located, if the well exceeds the required distance from lease or unit boundary lines as provided by field order or general state spacing ~~rules~~ regulations.

(6) The applicant shall provide notice of application for each additional injection well that is located less than the required distance from the lease or unit boundary lines, under the field order or general state spacing ~~rules~~ regulations. A copy of the application shall be mailed to each offsetting operator or unleased mineral owner whose acreage is adjacent to any additional



injection well that does not exceed the required distance from the lease or unit boundary lines under the field order or general state spacing ~~rule~~ regulations. Notice of the application shall be published in at least one issue of the official county newspaper of the county in which the well is located.

(7) The publication notice ~~provided for~~ specified in paragraphs (b)(5) and (6) of this regulation shall contain the following information:

- (A) The name of the operator;
- (B) the location of proposed injection wells;
- (C) the proposed maximum injection rate;
- (D) the proposed maximum injection pressure; and
- (E) the proposed injection formations and approximate depth.

(8) Each application for any significant modifications to the injection permit, including increasing pressure or rate and changing or adding injection formations, shall require the notice ~~set out~~ specified in paragraphs (b)(2), (3), and (4) of this regulation.

(c) Objection to application. Objections or complaints shall be filed within ~~45~~ 30 days after the notice is published. ~~The~~ Each complaint or objection shall conform to the requirements of K.A.R. 82-3-135b and shall state the reasons why the proposed plan, as contained in the application, may cause damage to oil, gas, or fresh and usable water resources. (Authorized by K.S.A. ~~55-151, 55-152, and 55-901, as amended by L. 2001, ch. 5, sec. 198;~~ implementing K.S.A. ~~55-151,~~ K.S.A. 55-152; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 8, 1989; amended April 5, 2002; amended P-\_\_\_\_\_.)